

PLANNING & ZONING COMMISSION
February 9, 2016 – 7:15 P.M.

The Planning Commission met at City Hall on the above date.

Present: Commission Members Bentley, Mazur and Newberry, Mayor Drucker, Councilman Pelunis, Assistant Law Director/Prosecutor Stolarsky, Planning Director Frankland, Secretary McConoughey

Absent: None

Also Present: Fire Inspector Eisenhuth, Assistant City Engineer Welch

NOTES OF CAUCUS DISCUSSION:

(Secretary's note: Agenda items not mentioned under Notes of Caucus Discussion are items that were not pertinently discussed during Caucus)

Mr. Bentley presided.

NEW:

2. 33425 Aurora Road – Solon Square, LLC (First National Bank) – building color variance, building material variance, number of wall signs variance (to permit 2 additional), site plan for ATM and night deposit box: Mr. Frankland said the drawing is slightly different and metal panels will replace a glass window.

4. PP# 951-41-011 (south of Woodall Road at Glenwood Avenue) – Edward Wurm – frontage on an unimproved street variances (parcels 1 and 2), front yard setback variances, rear yard setback variances, not parallel to the street variances, driveway side yard setback variances and a lot split: Mr. Bentley said a public hearing is scheduled.

Mr. Stolarsky said he will swear in Mr. Wurm and Mr. Frankland prior to their testimony during the meeting as well as list exhibits.

The caucus ended at 7:20 P.M. and the meeting began at 7:30 P.M.

Mr. Bentley presided.

CHANGES TO THE AGENDA:

There were no changes to the agenda.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

APPROVAL OF MINUTES:

Motion by Mayor Drucker, seconded by Mr. Mazur to approve the minutes of the January 26, 2016 meeting.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

PENDING:

- | | | | |
|----|-----------------------------------|----------|---|
| 1. | 5425 Ridge Lane – John A. Hornik | 006-2016 | 5 |
| | ▪ 11' front yard setback variance | | |

Mr. Kevin Hornik was present representing the applicant. He advised the variance is necessary for the handicap ramp that has been installed to accommodate his mother's wheelchair.

Mayor Drucker viewed the site and asked Mr. Hornik if the wood that appeared to be serving as a brace in the corner would remain. She questioned if it is construction debris or being used to brace the ramp.

Mr. Hornik said he is not aware of wood being used as it is a metal ramp and the installation is complete.

Mr. Newberry asked if the ramp will be a permanent fixture.

Mr. Hornik said his mother's health is deteriorating and she will require a wheelchair for the rest of her life.

Motion by Mr. Mazur, seconded by Mr. Newberry to approve an 11' front yard setback variance for 5425 Ridge Lane.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

NEW:

- | | | | |
|----|---|----------|---|
| 2. | 33425 Aurora Road – Solon Square, LLC (First National Bank) | 007-2016 | 6 |
| | ▪ Building color variance | | |
| | ▪ Building material variance | | |
| | ▪ Number of wall signs variance (to permit 2 additional) | | |
| | ▪ Site plan for ATM and night deposit box | | |

Mr. John Fritsch, DPH Architecture, was present representing the applicant. He explained that First National Bank is relocating to 33425 Aurora Road from 30000 Aurora Road.

Mr. Fritsch displayed photographs of the storefront location between Radio Shack and Kumon in the Solon Square Shopping Center. He said the proposal is to remove the three glass panels located to the left of the entrance door and replace it with brown metal panels which will match the existing bottom panels. Mr. Fritsch

said this is necessary for security since safes will be located behind the proposed ATM unit. He explained the fiberglass ATM unit will be silver, red and blue which are First National Bank's corporate colors. In addition, a wall sign variance is necessary to permit 2 signs on the ATM. One sign will have First National Bank along the top of the ATM and FNB will be another sign at the bottom of the ATM unit. Mr. Fritsch indicated the signage requests on the displayed photographs.

Mayor Drucker asked if the applicant will be seeking approval to install a storefront sign in the future and Mr. Fritsch confirmed they would.

Mr. Newberry said according to the information he reviewed, the red vertical lines on the sign will be illuminated and asked if it is necessary. Mr. Newberry said although he does not oppose the decoration surrounding the ATM, red is a non-conforming color and he would rather it not be emphasized with lighting.

Mr. Vince Roy, representing the applicant, was present. He said, if necessary, the LED lighting can be eliminated.

Councilman Pelunis recalled the Commission requested this in the past from other applicants, such as KeyBank. He clarified that the building color variance is for the corporate logo on the ATM machine.

Mayor Drucker said she will not support both signs considering the eventual request for a wall sign and she does not believe two signs are necessary on the ATM machine. She requested Mr. Frankland comment on the metal façade as she recalled another bank seeking approval for metal but the request was denied and brick was requested by the Commission.

Mr. Frankland said the request was from Fifth Third Bank. However, the difference was the existing surround was brick and the Commission preferred the brick remain.

Mr. Newberry said although the Commission preferred the kiosk remain brick for Fifth Third Bank, the face of the ATM was metal.

Councilman Pelunis agreed with Mayor Drucker and does not feel two identification signs are necessary on the ATM machine. He asked Mayor Drucker which one she objected to.

Mayor Drucker said the choice is up to the applicant, however, she presumed the full name of First National Bank would be preferred over FNB.

Mr. Bentley asked why the complete sign package, including the wall sign, was not submitted.

Mr. Newberry said the wall sign request will have to be submitted by Mid America, the owners of the shopping center.

Motion by Mr. Newberry, seconded by Mr. Mazur to approve a building color variance to permit silver, blue and red on the ATM contingent upon no illumination of the red trim.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mayor Drucker to approve a building material variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

The Commission discussed the motion for the number of wall signs and if the motion should be changed to permit one additional sign.

Mr. Stolarsky said as the applicant will eventually be requesting a wall sign, he feels if one of the signs is denied, the applicant will be unable to request another sign for six months. Therefore, he prefers the applicant withdraw the request for the variance.

Mr. Roy agreed to the withdrawal of the variance.

Motion by Councilman Pelunis, seconded by Mayor Drucker to accept the applicant's withdrawal of the number of wall signs variance.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Motion by Mr. Mazur, seconded by Mr. Newberry to recommend approval of the site plan for the ATM and night deposit box.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Mr. Fritsch asked if another plan must be submitted identifying the ATM signage since only one sign is being permitted.

Mr. Frankland said a plan indicating the sign choice on the ATM must be submitted.

Mr. Newberry said it only needs to be submitted to the Planning Department for review and not to the Planning Commission.

3. 6801 Cochran Road – Crown Castle for Verizon 008-2016 7
 - Site plan for revised equipment structure and antenna platform

Motion by Mr. Bentley, seconded by Mr. Mazur to schedule a public hearing for Crown Castle for Verizon, 6801 Cochran Road.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

4. PP# 951-41-011 (south of Woodall Road at Glenwood Ave.) - 009-2016 5
Edward Wurm
- Lot split
 - Frontage on an unimproved street variances - Parcels 1 and 2
 - 18' front yard setback variance – Parcel 1
 - 20' front yard setback variance – Parcel 2
 - 20' rear yard setback variances – Parcels 1 and 2
 - Not parallel to the street variances – Parcels 1 and 2
 - 10' driveway side yard setback variances - Parcels 1 and 2

Mr. Ed Wurm was present, representing himself and four other family members who own the property. He is requesting a lot split on a 2¾ acre parcel.

Mr. Stolarsky swore in Mr. Wurm and Mr. Frankland and introduced exhibits. He said Mr. Wurm's application, letter and site plan drawing will be considered Item A for the Wurm family. Mr. Stolarsky said the following are the City's exhibits:

- A. Memos from Planning Director Frankland, dated February 3, 2016 and January 23, 2013
- B. Memo from Engineering Department dated February 5, 2016
- C. Memo from Engineering Department dated November 17, 1997
- D. GIS map of the lot and the affected areas
- E. 16 documents regarding the history of the purchase of the property by the Wurm family

Mr. Wurm explained that they are requesting to split the property into two parcels and improve the right-of-way to use as a private drive through a shared easement. He is hoping for the Planning Commission's approval and specific items involving the Engineering Department could be determined prior to construction once approval is received.

Mr. Wurm displayed a site plan and Mr. Stolarsky identified it as the site plan from Mr. Wurm's application, Exhibit A.

Mr. Wurm indicated the parcel on the site plan and Woodall Road which runs parallel to the north of the property. Mr. Wurm indicated an unimproved right-of-way exists which leads to Glenwood Avenue. He said the parcel belonged to his father and in 1952 the parcel was split for his children to someday benefit. Mr. Wurm said the property has remained in the family and the taxes have been paid every year but the property has remained vacant. He said the family wants to split the property and sell it. Mr. Wurm said it is a large parcel and he indicated the site plan where two homes are proposed and said the property is as large as the area located to the south that contains six homes.

Mr. Wurm said during discussion in 1997 with previous Planning Commission representatives, different options regarding developing the property were considered. He feels this plan is the best for all concerned and fits the best into the area. While he understands that surrounding neighbors will be affected, he does not want to make the process more difficult than necessary. Mr. Wurm said another option might be a minor subdivision but he thinks this plan would be better.

A public hearing was scheduled.

Mr. Bentley opened the public hearing and asked for comments.

Councilwoman Meany was present and said she was perplexed when she received this application in her packet. She thinks it is a strange request and has heard from many upset neighbors. Councilwoman Meany said Mr. Wurm is requesting a great deal of variances and she believes the residents living on Woodall Road do not want to have homes built behind them. She feels there are also issues with safety forces being able to access the property in the event of an emergency. Councilwoman Meany said many of the neighbors are in attendance tonight and wish to express their concerns.

Ms. Ellen Stein, 30330 Woodall Road was present. Ms. Stein was upset when she received the notification about this application. Ms. Stein displayed a plan and submitted copies and a letter to the Commission. She said while residents who abut the property on Woodall Road were notified, residents on Stillwater Lane were not notified since their property does not abut the Wurm property. However, they are also interested and in attendance as the enjoyment of their property could also be in jeopardy.

Ms. Stein said this proposal would negatively impact their quiet and safety and property values. She is curious about who will be responsible for making the improvements to the property. She indicated where Mr. Wurm proposes the driveway be installed and said this is City-owned property which she has maintained for four years as doing so creates a nice buffer between her property and her neighbor's property. Ms. Stein is concerned about the improvement of this property and the expenses that will be incurred. She is also concerned about the water runoff that would be produced if a driveway was constructed. Ms. Stein submitted signatures from neighbors who are opposed to the proposal but were unable to attend tonight's meeting.

Ms. Stein displayed the plan indicating the two proposed homes and said they have no frontage to a dedicated street. She is curious as to what address the houses would have. Ms. Stein said the proposed setback is from a property line that no longer exists and she is curious as to how the driveway could be installed on property owned by the City. She believes this will detract from the appearance of the neighborhood. In addition, the proposed lot split fails to meet the minimum lot width of 140'. Ms. Stein said the applicant circumvented the Code by drawing it on an angle and the parcel is only 128' wide. Ms. Stein said, additionally, the houses will not be parallel to any street.

Ms. Stein is concerned about the proposed driveway and the length necessary to create it. She has concerns about accessibility to fire hydrants as the closest one is located across the street and the proposed driveway would potentially be 300' long. Ms. Stein does not think a fire truck could get back there in the event of an emergency. She indicated the location of her garage which is approximately 20' from the property line.

Ms. Stein assumes the majority of residents have mortgages on their homes and there are loan covenants on mortgages. She said if the building of the two proposed houses decreases the value of the area homes as determined by a re-evaluation by the

mortgage companies, they could find a homeowner to not be in compliance with the loan covenant and request the homeowner produce additional funds to cover the value decrease. In the event that this happened and residents are unable to come up with additional funds, there is a potential for numerous foreclosures.

Ms. Stein said her quiet enjoyment of her property will be interrupted during the construction period and her dog will be affected. She said the woods serve as beautiful screening and she does not want to see them destroyed. Ms. Stein implored the Commission to listen to the concerns of the residents and not approve the application.

Mr. Thomas Frank, 30585 Stillwater Lane, was present. He displayed a plan of the property indicating the proximity of his home to the vacant property. While his property does not abut the property for the proposed homes, he has concerns about potential development. Mr. Frank said he previously lived on Cheswick Drive and moved to Stillwater Lane fifteen years ago. He was aware of the parcels located behind his home and researched the attempts made to utilize the property. He learned that as there was no access to the parcel owned by the Wurms, developing it had been previously denied and substantial variances would have to be approved in order to do so. Mr. Frank feels if this application is approved, a precedent will be set and others will also try to build homes without observing the guidelines of the City's building code. He does not feel the parcel is the appropriate shape to support the approval of the application.

Mr. Gary Denelski, 30580 Woodall Road, was present. He has lived in Solon since 1994 and chose Solon because of the schools, the City services, the stable tax base and easy access to the highway. Mr. Denelski chose the house because of the beautifully wooded backyard and he and his wife have enjoyed the lovely views of nature that the woods have provided them with. Upon researching the property behind their home, he learned that the parcel was considered a "bowling alley" lot. While Mr. Denelski had never heard this term before, he learned that it is a thin, rectangular lot that has no road access and was most likely not deep enough to meet the standards for building a new home in Solon. Mr. Denelski spoke with real estate professionals who told him it is highly unlikely that a home could ever be built on the lot as it would violate many of the City's building standards. Therefore, he and his wife were very concerned when they received the information about the proposed development of the parcel as they are worried about the value of their property decreasing and negatively impacting the area.

Mr. John Zronek, 5145 Harper Road, was present. He said his property abuts the Wurm's parcel and while he had prepared a list with many items for discussion, it doesn't sound as though Mr. Wurm has a complete development plan. Mr. Zronek understands why Mr. Wurm would not have a complete plan until he had approval for the lot split as it could be very expensive. Mr. Zronek is very familiar with the area since his father bought his property in 1963 and he bought it from his father in 1999. Mr. Zronek has walked on the Wurm's parcel and believes the elevation is higher than his. His backyard gets soft in the spring from rain and he is concerned about the potential for further water issues on his property if the Wurm's parcel is developed. While he empathizes with Mr. Wurm, additional water on his property is a concern and he would also ask the Commission to give careful consideration as to whether or not two houses in the proposed location would be aesthetically pleasing and blend in with the surrounding area. Mr. Zronek said he will have more questions and concerns if this proposal proceeds.

Mr. Stolarsky said his research has indicated that the Wurm's parcel did originally have street access to Harper Road. However, the parcel was split in 1955 and the street access was sold and that property is now owned by Mr. Zronek.

Mrs. Michelle Lyon, 30597 Stillwater Lane, was present. While she has not lived in her house very long, she did do her due diligence and researched the properties around her. She learned that it is not usually possible to build on this type of lot. Mrs. Lyon said in the winter when the trees are bare, she is able to see the houses behind her and she cannot imagine what it would look like if two additional houses were built even closer to her home. She believes the people living in the proposed homes would feel like they were in a fish bowl as there would be homes completely surrounding them. Ms. Lyon will have additional questions and concerns if this development proceeds.

Mr. Kevin Shen, 30335 Stillwater Lane, was present. He is concerned about water run-off from development of the parcel and how it might affect his property. Mr. Shen also has concerns about the safety forces ability to access the property.

Mr. Jeff Rosenberg, 30445 Stillwater Lane, was present. He said when looking at the lot plan, it appears that the two neighborhoods were built around the wooded area. Mr. Rosenberg feels the only party who will benefit from the development of the parcel is the Wurms. He said the wooded area located behind his home was a selling point for him when he purchased his home as he believed that parcel was land-locked.

Mr. Wurm said his family purchased the property sometime in the 1950's and while his dates might not be exact, if it is considered to be pertinent, he will research specific dates. He understands it is upsetting to hear that property that has been unused and given area residents so much beauty and enjoyment may now be developed. However, it was never their property and has always been owned by the Wurm family.

Mr. Wurm said the argument that this is a land-locked parcel and it was never planned to be developed is not accurate. The right-of-way was given to the City by Mr. Wurm's father when the parcel was split the first time so that the property would not be land-locked and able to be used in the future. Mr. Wurm said the proposal is to install a single driveway with low impact to access two homes and there will still be space to add the necessary utilities. He realizes he is responsible for the improvements to the property and there will be no financial responsibility for the City. Mr. Wurm said taking care of a parcel for years does not transfer ownership as this right-of-way area is not on their lot description and is owned by the City of Solon.

Mr. Wurm said this right-of-way led to a piece of property that realtors tell perspective buyers is land-locked and cannot be developed. However, this was intentional so it could be used in the future. The same situation is created as on the opposite side of Woodall Road; a corner lot was created, which was always a possibility.

Mr. Wurm said while variances might be necessary to develop the property with two houses, he believes it is the better choice for the neighborhood. He believes by granting the variances, it is unnecessary to install a road. However, if a road was installed, he feels setbacks, lot widths and lot size requirements would be met. Mr. Wurm said if Mr.

Zronek was interested, he could add houses onto his parcel. However, Mr. Zronek does not seem to be interested.

Mr. Wurm said some of the residents said a selling point was looking at the woods but they should have said they were looking at their neighbor's woods. He said if they wanted protected open space, they should have purchased property adjacent to the Metropark. Mr. Wurm said while the neighbors do not want to see the property developed, he and the other co-owners of the property are considering everyone involved and attempting to determine an agreeable plan.

There were no further comments, therefore, Mr. Bentley closed the public hearing.

Councilman Pelunis understands that property owners do have the right to develop their property but the City also has to adhere to a zoning code. He feels that some of the variances being requested are not warranted and are not a practical difficulty given the situation and intrusion on the neighbors.

Councilman Pelunis referred to the engineering report dated November 17, 1997, which said if a home was built on the property, it would need to have a storm sump pump on the eastern side of the property and either a sanitary grinder pump or use overhead plumbing. He does not believe the residents would want that. In addition, the driveway would need to accommodate a fire truck and there has been no mention of trash pick-up. The residents would have to drag the trash to the end of the driveway which would be on the corner of two neighbor's homes and along Woodall Road.

Councilman Pelunis said the proposal is basically turning an unbuildable lot into a buildable lot by approval of the variances. Councilman Pelunis recalled there were issues in the past in Boulder Creek with grinder pumps which led to the installation of a pump station because of all of the problems. He feels this type of installation is taking a step backwards. He cannot support the variances especially when learning the property did have access at one time to Harper Road and the accessible property was sold by a member of the Wurm family.

Mayor Drucker asked Mr. Frankland to provide information about the history of this parcel and the creation of the hardship when it was previously split which now creates the need for variances. If the hardship was created by the property owners, it is pertinent to the application.

Mr. Frankland said the property was purchased by a member of the Wurm family in 1950. In May of 1955, there was a request to split off the rear of the property. Mr. Frankland said at the May 3, 1955 Planning Commission meeting, Mr. Wurm, Sr., asked if it would be permissible to sell the first 400', which is where a house now exists on 5145 Harper Road. Mr. Frankland said this is what occurred at the meeting and there was no indication that the Planning Commission intended to create a buildable lot at that time. He said there have been other requests over the years. In 1997 and 2013, the requests were similar to the current proposal and were not approved by the Planning Commission or the Council.

Mayor Drucker said the hardship was created by Mr. Wurm, Sr., and this does not justify approving variances. Therefore, she will not support the variances.

Mr. Newberry said the way to access the parcel would be to continue Glenwood Avenue south across Mr. Wurm's property to the south which could potentially gain access to four lots. He will not support using the City's right-of-way for a private driveway. Mr. Newberry said in order for the City to sell property, it must be through an open bidding process.

Mr. Wurm said his father gave the City the property for the right-of-way.

Mr. Newberry said the right-of-way was included as part of the subdivision plat in 1955 and it does not matter where the acquisition of the land came from.

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a lot split for PP# 951-41-011.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis Motion Failed

Motion by Mr. Mazur, seconded by Mr. Newberry to approve frontage on an unimproved street variances for parcels 1 and 2.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis Motion Failed

Motion by Mr. Newberry, seconded by Mayor Drucker to approve an 18' front yard setback variance for parcel 1.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis Motion Failed

Motion by Mayor Drucker, seconded by Mr. Mazur to approve a 20' front yard setback variance for parcel 2.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis Motion Failed

Motion by Mr. Mazur, seconded by Mr. Newberry to approve a 20' rear yard setback variance for parcels 1 and 2.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis Motion Failed

Motion by Mr. Newberry, seconded by Mayor Drucker to approve a not parallel to the street variance for parcels 1 and 2.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis Motion Failed

Motion by Councilman Pelunis, seconded by Mayor Drucker to approve a 10' driveway side yard setback variance for parcels a 1 and 2.

Roll Call: Aye: None

Nay: Bentley, Drucker, Mazur, Newberry, Pelunis Motion Failed

Mr. Stolarsky said pursuant to Chapter 1293 of the City's Code, the applicant has the right to appeal the decision to the Council within 14 days of receipt of notification from the Clerk.

COMMENTS FROM THE COMMISSION:

Mayor Drucker said City Hall will be closed on Monday, February 15th in observance of Presidents' Day. Therefore, the Council meeting will be held on Tuesday, February 16th.

Mayor Drucker said the Solon Philharmonic Orchestra will be performing at the Solon Center for the Arts on Sunday, February 21st at 3:00 P.M. and tickets may be purchased at the Arts Center.

Mr. Newberry said the applicant for Item A on the Inactive Agenda has requested to be placed on the Active Agenda.

Motion by Mr. Newberry, seconded by Mr. Mazur to move Inactive Agenda Item A (Verizon Wireless) to the Active Agenda.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Councilman Pelunis thanked the residents in attendance for item 4. He said all too often, notifications are sent to residents which are disregarded until after the fact. It is through forums like the Planning Commission that residents and Council representatives can express their concerns.

Mr. Bentley also thanked the residents for their attendance.

COMMENTS FROM THE AUDIENCE:

There were no comments from the audience.

Motion by Mr. Mazur, seconded by Mayor Drucker to adjourn the meeting at 8:32 P.M.

Roll Call: Aye: Bentley, Drucker, Mazur, Newberry, Pelunis
Nay: None

Motion Carried

Chairman

Secretary